

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MAY 19, 2009

The City Council of the City of Leon Valley, Texas, met on the 19th day of May 2009 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:03 p.m. and asked that the minutes reflect the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Community Development Director Flores, Economic Development Director Ryan, Police Chief Wallace, Public Works Director Vick, Assistant Public Works Director Stolz, Assistant City Secretary/HR Officer Caldera, and City Attorney McKamie were also present.

Mayor Riley welcomed government students from O'Connor High School and members of the San Antonio Evening Rotary Club in attendance for the meeting. She also welcomed members of the Public Works Department who were present.

Mayor Riley asked Councilman Manea to lead the assembled group in the Pledge of Allegiance.

Presentation of Certificate of Appreciation to Wine 101 for contribution to the Volunteer Appreciation Reception.

Mayor Riley explained that Councilman Manea was not at the last Council meeting and she wanted to publically recognize him and his business for their donation to April Volunteer Appreciation Reception. Councilman Manea accepted his certificate on behalf of his business and thanked Council.

Presentation to Councilmember Phillip Manea, Council Place No. 1, in appreciation for his service to the City as a member of the City Council.

Mayor Riley presented a Certificate of Appreciation and a desk clock to Councilman Phillip Manea thanking him for his dedicated service as Councilman from 2007 - 2009. Councilman Manea thanked the Mayor, Council, staff and the citizens of Leon Valley for their support and the opportunity to serve the City. He highlighted accomplishments made by the City over the last two years and stated that they were only possible because of teamwork. The Councilman was given a standing ovation.

Presentation of Certificates of Election by Mayor Riley.

Mayor Riley presented Certificates of Election to Councilman Rudy L. Garcia - Council Place No. 1, Councilmember Irene Baldrige - Council Place No. 3, and Councilmember Cathy Nelson - Council Place No. 5. The Mayor explained that with uncontested races, the Council cancelled the election of May 9, 2009 and declared the unopposed candidates elected, but under the law

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the candidates could only take office after they take their oaths of office.

Installation of elected members of City Council - oaths to be administered by Judge Lawrence Morales: Council Place No. 1 - Rudy L. Garcia, Council Place No. 3 - Irene Baldrige, and Council Place No. 5 - Cathy Nelson.

Judge Lawrence G. Morales administered the oaths of office to Rudy L. Garcia for Council Place No. 1, to Irene Baldrige for Council Place No. 3, and to Cathy Nelson for Council Place No. 5. Each member swore to execute the duties of their office and to preserve, protect and defend the constitution and laws of the United States and Texas.

Councilman Rudy Garcia took his place on the dais for Council Place No. 1 and Councilmembers Baldrige and Nelson returned to their places at the dais.

Proclamation declaring the week of May 17, 2009 - 23, 2009 as National Public Works Week in Leon Valley (Mayor Riley/Vick).

Mayor Riley proclaimed the week of May 17 - 23, 2009 as National Public Works Week in Leon Valley and presented the proclamation to Public Works Director Vick. Public Works Assistant Director Stolz, Foreman R. Martinez, and staff members D. Morales and A. Martinez were also on hand to represent their department. Mayor Riley thanked the staff for their service and urged the citizens of Leon Valley to recognize the contributions which public works officials make every day to the health, safety, comfort and quality of life in Leon Valley. Mr. Vick thanked the Mayor and Council for their support.

Presentation and discussion by AACOG representative Rose Jackson on a weatherization program and discussion on how homeowners in Leon Valley can access grant funding for such programs (Word).

Grant Writer Word introduced Rose Jackson from the Alamo Area Council of Governments (AACOG) and explained that Ms. Jackson would be presenting information on programs that could help Leon Valley homes with weatherization grant assistance.

Ms. Jackson presented information about the two types of stimulus funds available for help save energy. She explained how up to \$6500 could be available per household to install energy efficient items and to reduce energy bills. She explained that the application is available on the AACOG website and homeowners or renters qualify for the program by income for the household and after inspection to determine the need for the energy saving devices. Ms. Jackson stated that if the applicant qualifies, an inspector will perform an energy assessment and complete an energy audit. She also explained that AACOG staff will help interested residents complete the application process. She noted that there are only two years to spend the stimulus money and that apartment complexes and homes are eligible for the program and that the turnaround period once the application is received is approximately 3-6 months.

Mayor Riley thanked Ms. Jackson for bringing the information to Leon Valley and encouraged interested residents to follow up with AACOG staff.

Citizens to be heard and time for objections to the Consent Agenda.

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Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Seeing no one come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider approval of the minutes for the Regular Council Meeting of May 5, 2009 and Special City Council Meeting of May 4, 2009 (Feutz).

Consider Resolution appointing a member to the Bandera Road Site - Community Advisory Group (Mayor Riley).

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the full Consent Agenda, as listed above. Upon vote, Mayor Riley announced that the motion carried and that Consent Agenda items were approved.

Action Agenda

Consider action on appointment of Mayor Pro Tem to serve for a one-year term effective June 1, 2009 (Mayor Riley).

Mayor Riley thanked Councilmember Jack Dean for serving as the Mayor Pro Tem for the last twelve months and asked for a nomination and motion from the Council for a Mayor Pro Tem to serve for a one-year term beginning June 1st.

Councilman Reyna asked if it were possible to have each of the Councilmembers serve for a three-four month period in the next twelve months so that everyone would have the opportunity. City Attorney McKamie explained that state statute mandates the Mayor Pro Tem's term as a one-year term of office.

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to nominate Councilmember Baldrige as the next Mayor Pro Tem. Councilmember Baldrige did not voice any objections to the nomination. Upon vote, Mayor Riley announced Councilmember Baldrige was appointed to serve as the Mayor Pro Tem beginning June 1, 2009.

Consider action on M&C # 05-04-09 - a request to table action on award of contract for Conference Center flooring to allow staff to apply for grant. Proposals were reviewed by City Council at the Regular City Council Meeting on April 21, 2009 with M&C # 04-16-09 and action was postponed until May 19, 2009.(Ryan).

Economic Development Director Ryan asked Council to table action on the flooring proposals so that she could make application for a grant from AACOG, a grant that was just found to be available for this type of project. She explained that with the grant, the City could use the funding to afford the recycled goods flooring and to meet more of the El Verde by 2020 and

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SDAT recommendations.

Council discussion centered around the narrowed field of the stained and/or stampcrete concrete finish flooring options at a cost of \$10,000 - \$20,000 or possibly the tile proposal at a cost of \$23,000 - \$25,000 for the Conference Center floors, still at a cost which was considerably less than the flooring proposed with the recycled products for about \$123,000. Discussion continued on the grant process that would allow the City to apply for a full \$123,000 for the flooring project and recommending the City put in \$100 with their application process.

A motion was made by Councilman Reyna, seconded by Councilmember Dean to table action on any action on the award of a contract for Conference Center flooring to allow staff to apply for grant. Upon unanimous vote, Mayor Riley announced the issue tabled.

Consider action on M&C # 05-05-09 with attached ordinance - amending Chapter 1 "General Provisions, Article 1.06 "Boards, Commissions and Committees" of the Leon Valley City Code of Ordinances to add Section 1.06.002, "Tree Advisory Board" and providing for the Board creation, appointment, term of office, and duties (Flores).

Community Development Director Flores addressed Council providing a brief explanation of how the Leon Valley Tree Challenge included an advisory board to oversee the overall program. She noted that with so many volunteers for this Board, she asked that the original program of seven board members be expanded to include three alternate members who have non-voting status except if the Board Chair asks the Alternate to be seated when a regular member is absent from a meeting. Ms. Flores reviewed the duties included in the ordinance for the Board members.

Council discussion included a question as to whether the Board could bring recommendations for any regulations about Oak Wilt to Council in the future and how members of the committee were chosen. Mayor Riley explained that several people from Earthwise Living Committee, the community and the Park Commission had volunteered.

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approved the amendments to the City Code of Ordinances, Chapter 1 "General Provisions", to add Section 1.06.002 "Tree Advisory Board" as proposed. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action to approve an Ordinance appointing members and alternates to the Leon Valley Tree Advisory Board (Mayor Riley).

Mayor Riley announced that several community members had volunteered to serve on the new Tree Advisory Board from the Park Commission, the Earthwise Living Committee, and from the general citizen population of Leon Valley. The following Board Members were appointed as Regular Board Members: Denise Berger, Rich Sarfin, Tom Benavides, Mary Key, Diana Sarfin, Sherry Disdier, and Cheryl Clemenson and the following individual was appointed as Alternate Board Member: Byron Woodworth, leaving two vacancies for additional Alternate Board Members.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the

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names proposed for appointment to the new Tree Advisory Board. Upon unanimous vote, Mayor Riley announced the slate of members and alternate members appointed.

Consider action on M&C # 05-06-09 - a request to begin the formal process of initiating a 120-day moratorium on future development in certain geographical areas within the City of Leon Valley (Flores).

Community Development Director Flores addressed Council asking for their approval to begin the formal process of initiating a 120-day moratorium on future development in certain geographical areas within the City of Leon Valley. Councilman Reyna stated that with a moratorium, Council and staff would be able to better review development requests to get the highest and best use of properties in the future and meet the City's development goals. Ms. Flores stated that the three areas in question were: the property that extends from Poss to Grissom on the southeast side of Poss Road, the undeveloped tract of land at the corner of Evers and Huebner Roads, and the undeveloped properties in Senecca III West. She outlined the calendar that would be needed to meet legal requirements and act upon the moratorium issue. She also noted the potential loss of revenue to the City during the 120-day moratorium for permits and development fees.

City Attorney McKamie noted two changes in the proposed ordinance that would be voted on by council after a public hearing before the Zoning Commission and one before Council and after the second reading of the ordinance in Section 4 (4) "City Manager does **not** take the" and in Section 5 (3) "the City Council does **not** take the action....". He also noted that including the SDAT recommendations, even though they are not the "final" recommendations, the Council has been working from those recommendations to make plans and should the "final" recommendations arrive during the process, the city can take amending actions.

Council discussed that even with a moratorium, there is an appeal process for projects that should come up, which will allow the City Manager to consider their request and another opportunity for Council to consider waiving any procedures. Council also agreed that the areas zoned residential, like Senecca III West, be removed from the moratorium list as well as any government properties, but all other Leon Valley properties should be included in the moratorium for reconstruction, new construction and remodeling.

Councilmembers discussed their need for more up-to-date information on permits, businesses leaving the City, when new businesses get water connected, signs added or removed from existing business properties, and new projects in the city so that they can be better informed. The City Manager stated that staff would be directed to develop a weekly report for council to keep them better informed.

A motion was made by Councilman Reyna, seconded by Councilman Garcia, directing staff to proceed with beginning the formal process of initiating a 120-day moratorium on future development and redevelopment for all properties within the City limits of Leon Valley, except for residential properties and government facilities. Upon vote, Mayor Riley announced that the motion carried.

A motion was made by Councilman Reyna, seconded by Councilmember Baldridge, to have a new calendar brought back to Council, after the Zoning Commission sets a special meeting to

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review and make recommendations for a new calendar for the moratorium process. Upon vote, Mayor Riley announced the motion carried.

Discussion Agenda

Discussion to provide recommendations on a proposed ordinance that would require registration of rental properties and inspections, and fees for such services (Lambert/Flores).

Community Development Director Flores presented information for discussion on a proposed ordinance that would respond to the needs of an aging community by preserving and improving rental properties in the neighborhoods and provide regulations that would ensure that property owners and managers maintain property standards. She noted that a registration packet with details of the program would be given to registering tenants and landlords for all rental properties and the property would have to pass an inspection prior to new tenants move-in and annually thereafter. She explained that the utility department will direct tenants to the Community Development Department before utilities are connected and block captains, public education and code enforcement would work together to insure that rental properties are identified. Ms. Flores noted that this proposed ordinance was reviewed by the Zoning Commission in September 2008 and the Commission had supported the proposed ordinance noting that it would help assure a positive and presentable appearance of rental properties in the City and would serve to maintain property values and ensure safety by holding property owners accountable in an aging community. Ms. Flores stated that preliminary numbers would have the registration fees simply act as a pass through to cover the services of a qualified inspector for the program.

Ms. Flores did note that another code, a "Housing or Neighborhood Code," could regulate nuisances and work differently than the proposed renters and inspection ordinance being discussed. She stated that a "Housing and Neighborhood Code" would address properties, not rentals, that are falling into disrepair. She also clarified, in response to questions from Council, that the new provisions for rental units would apply to both single and multi-family units. Councilmembers agreed that the ordinance should be brought back for formal action.

Discussion on use of recycling bins for city events (B. Woodworth/Lambert).

Earthwise Living Committee representative Byron Woodworth addressed Council asking that recycling bins be made available at all Leon Valley public events to help the City work towards its El Verde by 2020 goals. It was recommended that recycling bins for aluminum cans and other recyclables be placed next to trash cans in the park and throughout the City.

City Manager Lambert stated that he would bring back a formal policy for Council's review.

Discussion on proposals received for broker services for the employee group health insurance program to determine next step in process (Caldera).

Assistant City Secretary/HR Officer Caldera addressed Council stating that the City had solicited Requests for Proposals (RFP) over the last 30 days and had received eight proposals for firms/individuals to serve as brokers for the City of Leon Valley's group health insurance

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plan. She explained that as Council had directed, an RFP was developed and processed asking for services that would include preparing, analyzing, and negotiating with carriers for health insurance coverages, assisting the city with funding projections, providing enrollment assistance and overall insurance plan management and day-to-day services for employees and the City. Ms. Caldera explained that the RFP required at least five clients with 2 being municipalities or public entities and noted that some had no experience with municipalities and some had primarily experience with school districts or other public entities. She also presented information on the range of compensation submitted by the eight proposals from a low of 2% commission of the medical premium plus 10% commissions on the dental and life insurance premiums to as high as 5% commission on the medical together with commissions of 10% on the dental and 15% on the ancillary products. Council was asked if they wished to hear presentations by any or all of the eight companies at the next Council meeting so that a contract could then be drawn up for the top company/broker.

Council discussion followed on whether it was better to be with agencies who represent more cities in the area versus private companies, or if firms with larger pools of clients may be more advantageous to the City when the broker seeks information for the City, or if the City should take the lowest cost broker for the work. Discussion followed with notice that a formal bid is required for group health insurance when the City wishes to go out into the marketplace to seek better rates or coverage and not all brokers seemed to be aware of that. Council agreed that they wished to hear short presentations at the next Council meeting date from all those who submitted proposals and Council had additional questions they wanted answered by the time of those presentations.

Discussion on consolidation and reorganization of City committees (Mayor Riley).

A motion was made by Councilman Reyna, seconded by Councilmember Dean to table discussion on any consolidation of committees until the next regular City Council meeting. Upon vote, Mayor Riley announced the item tabled until June 2, 2009.

City Manager's report (Lambert).

A. Financial Report for April 2009.

City Manager Lambert reported that with 58% of the fiscal year past, the City's financial report shows a decrease in the number of licenses, permits, fees and fines collected and less interest income than one year ago. He also noted that the City's Hotel/Motel tax income is down 20% from the previous year, but the water and sewer fund expenses and revenue were on target.

B. Report on JLUS meeting - 5/14/2009.

Mr. Lambert reported that the Joint Land Use Study for Lackland Air Force Base had interviewed eight consultants.

C. Update on first LVEDC meeting - 5/13/2009.

Mr. Lambert reported that the first Leon Valley Economic Development Corporation Board of Directors meeting was held on May 13, 2009 and the bylaws were being formed by the Board.

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D. Report on sign issue from PlanetFitness.

Mr. Lambert reported that a solution to the sign variance request had been reached by the property owner which would involve removing the very tall Fun Plex Sign and placing a sign on the Huebner Road side of the business for PlanetFitness. Mr. Lambert reported that the sign issue had been resolved by the property owner.

Citizens to be heard.

Resident Olen Yarnell asked questions of Council on the moratorium, but the City Attorney stated that discussion on that agenda item was completed and Council could not respond to the types of questions being asked by the resident.

Resident Nancy Marin expressed her disappointment in Council tabling any discussion on the committee consolidation issue and asked Council if in the future, they would ask if anyone in the audience is waiting for a particular agenda item before they table an issue. She explained that she had waited throughout the entire meeting to hear about the committee consolidation discussion.

Announcements.

A. TxDOT ribbon cutting 5/12/2009 - elevated ramp.

Mayor Riley reported that most of Council was present for the grand opening of the first elevated ramp connecting Loop 410 to Bandera Road and she reported that the second ramp was due to open in a few weeks.

B. Report on the 5/14/2009 Leon Valley Historical Society Mixer and Meeting.

Councilmember Baldrige reported on the successful mixer for the Leon Valley Historical Society and stated that renewed interest in the restoration project by local businesses was very encouraging.

C. Report on additional VIA bus shelters in Leon Valley.

Mayor Riley reported that the city will receive five more bus stop shelters with three of the new shelters being at the Bandera Road and Wurzbach Road intersection.

D. Report on CPR Class given by L.V.F.D.

Mayor Riley reported that Paramedic/Firefighter Jason Prado had offered a class in CPR and she had completed the class. She complimented Mr. Prado on his instructions and on his dedication to the City.

E. Special Meeting for presentation of ideas on implementation of SDAT recommendations to be held at 3:00 p.m. on June 2, 2009

Mayor Riley reported that Council was invited to attend a meeting on Tuesday, June 2, 2009 at 3:00 p.m. at City Hall to hear from Overland Partners, a local architecture firm whose members had participated in the SDAT process. She stated that James Andrews would present information on the Bandera Road Vision Plan.

Adjourn.

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Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 10:26 p.m. and reminded everyone that the next Council Meeting would be held on June 2, 2009.

Chris Riley _____
Mayor

ATTEST:

Marie Feutz _____
City Secretary

Approved by unanimous vote of City Council at the Regular City Council meeting of June 2, 2009